

IN THE UNITED STATES DISTRICT COURT  
OF APPEALS FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

v.

Case No.: 15-4451

DANIEL CHASE HARRIS

**RETAINED TRIAL COUNSEL'S MOTION FOR LEAVE TO WITHDRAW AS APPELLATE COUNSEL  
AND FOR APPOINTMENT OF SUBSTITUTE COUNSEL ON APPEAL**

COMES NOW the undersigned counsel, Andrew M. Sacks, Esquire, who appeared in the District Court as retained trial counsel to the defendant and who filed a Notice of Appeal on defendant's behalf, and respectfully moves this Honorable Court for the entry of an Order granting retained trial counsel leave to withdraw as appellate counsel and appointing substitute counsel for defendant on appeal.

Retained trial counsel further respectfully states the following in support thereof:

1. The undersigned counsel represented the defendant as retained counsel at trial, and also timely filed a Notice of Appeal for defendant in order to protect the defendant's rights to appeal.
2. The defendant wishes to prosecute an appeal from his convictions and sentences, but is indigent and unable to retain private counsel for the appeal.
3. A CJA Form 23 has been heretofore filed on behalf of the defendant confirming his indigency.
4. For professional reasons, and in the best interests of the defendant, retained trial counsel is not in a position to represent defendant on appeal.
5. Defendant therefore is in need of substitute counsel to be appointed to represent him in connection with this appeal.

6. For the foregoing reasons, therefore, the undersigned retained trial counsel respectfully requests that the Court grant him to leave to withdraw as appellate counsel, and that the Court further appoint substitute counsel for the defendant on the appeal.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Andrew M. Sacks, Esquire

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of August, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Elizabeth M. Yusi, Esquire  
Assistant United States Attorney  
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\_\_\_\_\_/s/\_\_\_\_\_  
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